

THE CITY OF NEW YORK
LAW DEPARTMENT

MICHAEL A. CARDOZO
Corporation Counsel

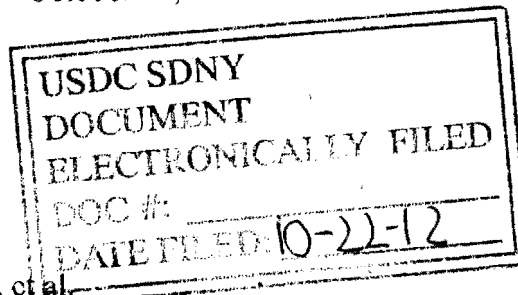
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October 19, 2012

BY FAX

Honorable Robert W. Sweet
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007



Re: Schoolcraft v. The City of New York, et al.
10-CV-6005 (RWS)

Your Honor:

I am the Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to represent the City of New York, the New York City Police Department ("NYPD"), and individual defendants Deputy Chief Michael Marino, Assistant Chief Patrol Borough Brooklyn North Gerald Nelson, Captain Theodore Lauterborn, Sergeant Frederick Sawyer, Sergeant Kurt Duncan, Lieutenant Christopher Broschart, and Sergeant Shantel James (collectively "City Defendants") in the above-referenced matter. On Wednesday, October 17, 2012, the undersigned received an ECF bounce indicating that newly named defendant Elise Hanlon was served with process in this action on October 11, 2012, and accordingly, her response to the Second Amended Complaint is due November 1, 2012.¹ Without appearing on her behalf or making any representations with respect to service, this office respectfully requests that the Court *sua sponte* grant this defendant a 30-day enlargement of the time until December 3, 2012, to answer or otherwise respond to the complaint. Plaintiff's counsel, Jon Norinsberg, Esq., consents to this request.

A decision concerning this office's representation of defendant Hanlon has not yet been made, however, given the time involved in determining the representation of a police officer, and in the interest of judicial economy, we request that the court, *sua sponte*, extend the time for her to answer so that her defenses are not jeopardized while representational issues are being resolved. The undersigned submits that the requested enlargement should allow sufficient time for this office to determine, pursuant to Section 50-k of the New York General Municipal

¹ According to a review of the Civil Docket Sheet, Lieutenant William Gough, Sergeant Richard Wall, Sergeant Robert W. O'Hare, Sergeant Sondra Wilson, Lieutenant Thomas Hanley, and Captain Timothy Trainor have not yet been served with process, and are therefore not parties to this action.

So order
Robert W. Sweet
10-19-12

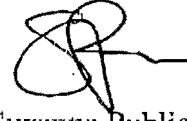
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Law, and based on a review of the facts of the case, whether we may represent Lieutenant Hanlon. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

Accordingly, this office respectfully requests that Your Honor *sua sponte* grant defendant Hanlon an enlargement of time until December 3, 2012, to answer or otherwise respond to the Second Amended Complaint.

I thank the Court for its consideration of this request.

Respectfully submitted,



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Assistant Corporation Counsel

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